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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,
13
Plaintiff,

14 v.

15 ELBERT McBRIDE,
16
Defendant.
17

)
) Nos. CR 06-00455 CW and
) CR 99-40229-CW
)

) STIPULATION AND ORDER
) CONTINUING HEARING DATE
)

) Date: October 30, 2006
) Time: 2:00 p.m.
) Court: Hon. Claudia Wilken
) U.S. District Court
18

19 This matter is currently set for hearing on defendant's motion to suppress and status on
20 supervised release violation on Monday, October 30, 2006, at 2:00 p.m. Under the briefing
21 schedule previously set by the Court, defendant's reply brief is due to be filed today, October 23,
22 2006. The parties jointly request that the Court permit defendant additional time to file his reply
23 brief for the following reasons. First, defendant did not receive the government's opposition brief
24 until Friday, October 20, which has made it impossible for defendant to complete his reply brief
25 by today as required by the Court's schedule. Second, the government's reply brief raises new
26 issues which require additional investigation by defendant. Third, defense counsel has been ill and
now has filings in several cases that all must be prepared in a short period of time. For all these

reasons, the parties agree that it would be appropriate to allow defendant additional time until Monday, October 30 to file his reply. With regard to the hearing date, the parties agree that the number of issues raised both by defendant's motion and in the government's opposition support a brief continuance of the hearing date in order to afford the Court sufficient time to review these filings prior to a hearing on the matter. Mr. McBride is in custody and supports the request for a brief continuance.

SO STIPULATED.

Dated: October 23, 2006

/S/

HILARY A. FOX
Attorney for Defendant McBRIDE

SO STIPULATED.

Dated: October 23, 2006

/S/

GARTH HIRE
Assistant United States Attorney

SIGNATURE ATTESTATION


I hereby attest that I have on file all holograph signatures indicated by a "conformed" signature ("/S/") within this efiled document.

ORDER

Good cause appearing therefore, and pursuant to the stipulation of the parties, it is hereby ORDERED that the motions hearing and hearing on supervised release violation currently scheduled for October 30, 2006, at 2:00 p.m. is vacated and re-scheduled for Monday, November 6, 2006, at 2:00 p.m. It is further ORDERED that the briefing schedule in this matter is modified to permit defendant until Monday, October 30, 2006, to file his reply brief.

IT IS SO ORDERED.

Dated: October 24, 2006


CLAUDIA WILKEN
United States District Court